

SUBJECT: Air carrier access to public airports

COMMITTEE: Transportation: favorable, without amendment

VOTE: 6 ayes--Henderson, Lauhoff, Finnell, B. Hall, Mankins,
Valles
1 nay--L. Hall
2 present, not voting--Bode, Emmett
2 absent--Cartwright, Keese

SENATE VOTE: (Motion to suspend regular order of business)
25 ayes, 5 nays (Andujar, Blake, Howard, Meier, Ogg)

WITNESSES: NONE

DIGEST: This bill specifies that short-haul air carriers may be denied access to public airports only if the Texas Aeronautics Commission rules that such denial is in the public interest. Dallas and Houston may not deny any air carrier access to a public airport if the first stage length for departing aircraft or the last stage length for arriving aircraft is less than 600 miles.

PRO: This bill will promote Texas commerce and industry by ensuring that access to airports in our major air carrier hub cities is determined on the basis of the needs and preferences of all the citizens of Texas, and in light of the commercial well-being of the entire state. Just as the interstate commerce system works only because it cannot be unduly burdened by the states, so the intrastate commerce system will work only if it cannot be unduly and unilaterally disrupted by individual cities. As an agency of statewide jurisdiction, the Texas Aeronautics Commission is best suited to rule on airport access questions.

Throughout the United States, short haul air service is encouraged at close-in airports in multiple airport communities. Houston promotes such service at Hobby Airport, Washington, D.C. at National Airport, New York at La Guardia Airport, and Chicago at Midway Airport. This is because airport convenience is much more important to short-haul than to long-haul passengers. Only with respect to the jointly owned DFW Regional Airport is it contended that all air service, short or long, should be provided through one facility. This bill will allow Southwest Airlines to continue operations at Love Field in Dallas. The TAC has certified Southwest to fly into Love Field and has defended its right to continue to use that airport.

PRO
(continued)

Court decisions have consistently affirmed the right of Southwest Airlines to fly at Love Field. The efforts to prevent Southwest from using Love Field are anti-competitive. It is completely contrary to the deregulation spirit of getting the government out of the airline business. Southwest has stimulated competition in the industry. Its lower fares and convenient schedules have made it increasingly popular and have led many people to become air passengers for the first time.

It has been argued that Southwest's operations at Love Field cause too much of a noise problem. However, FAA statistics reveal that each year DFW Regional Airport receives twice as many noise complaints as Love Field. The manager of Love Field reports that when his office receives a noise complaint it is almost invariably because of a private jet, rather than a Southwest 737. Southwest has the only fleet in the United States that is in total compliance with the 1985 noise requirements of the FAA.

The 600-mile limitation on first and final stage lengths contained in the bill will accomplish several ends. It emphasized the necessity of Love Field for short-haul air transportation. It guarantees that Love Field will not cause financial harm to DFW Regional Airport. It will limit the size of planes at Love Field. Large, wide-body, long-haul aircraft could not operate economically under the restriction that they land within 600 miles of the airport. As a result, noise levels at Love Field will be kept at a reasonable level. Short-haul aircraft are much less noisy than long-haul aircraft. Neighborhood groups that opposed interstate commercial air traffic at the airport because it would mean a large number of heavy jet aircraft flying into and out of the airport will be reassured. The 600-mile limitation makes this bill a compromise solution.

CON:

The city of Dallas, as owner and operator of Love Field, should have the right to determine who may or may not use the airport. This bill takes that right away from Dallas and gives it to a state regulatory agency. It will be more difficult for the city to live up to its commitment to develop the regional airport. The North Texas air transportation system, which was developed when the regional airport was first designed, calls for all regularly scheduled commercial flights to use DFW. The federal Airline Deregulation Act of 1978 directs the Civil Aeronautics Board to consider the regional airport plans of local officials when deciding whether to encourage service at secondary airports. This bill circumvents the intent of that reasonable federal policy.

CON
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Allowing commercial air traffic at Love Field adds to problems of noise and congestion. People living near the airport find this objectionable. They thought that the noise and congestion problems would be greatly reduced with the completion of the regional airport. If Southwest is allowed to stay and expand, the problems will only get worse.

COMMENTARY:

The 600-mile haul restriction in SB 772 could result in litigation. The restriction applies to interstate as well as intrastate flights. An argument might be made that the state does not have the right to place this restriction on interstate commerce.